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REMARKS

This Amendment is responsive to the Office Action dated July 20, 2005. In that Action, the Examiner objected to the drawings rejected Claims 23-24 under 35 U.S.C. §112, second paragraph. Claim 22 was rejected under 35 U.S.C. §102(e) as allegedly being anticipated by McBain. Claims 16, 21 and 23-24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over McBain. Claims 1, 3-9, 16-19 and 21-24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over McBain in view of Waterman. Claims 10-15 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over McBain in view of Waterman and further in view of Heyche. Claim 20 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over McBain in view of Waterman and further in view of Doughty.

Applicant respectfully traverses the Examiner's objection and rejections of the claims and offers the foregoing amendments and following remarks in support thereof.

Applicant submits a new drawing figure pursuant to the Examiner's drawing objection. Applicant believes the new drawing overcomes the Examiner's objection. Once Applicant has received the Examiner's approval of the drawing figure, Applicant will amend the Specification to include reference to the approved drawing figure.

The above amendments overcome the Section 112, second paragraph rejection.

Claims 5 and 23 have been cancelled without prejudice by this Amendment and Claim 2 was canceled without prejudice by an earlier Amendment. Claims 1, 7, 16, 17, 21, 22 and 24 have been amended. Claim 25 has been added. No new matter has been inserted. Claims 1, 3, 4, 6-22, 24 and 25 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

Initially, concerning the Examiner's comments on Page 2,

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Paragraph 3 of the Office Action, Applicant respectfully submits that the claimed invention automatically directs and controls the air vehicle to the safe flight path when the flight threshold is exceeded by the air vehicle. No authentication from the operator of the air vehicle is necessary for this to occur. Authentication only comes into play to override the systems automatic control of the air vehicle and to permit the operator to once again have control over the air vehicle.

As to the Section 102 and 103 rejections based on McBain, as previously argued by Applicant, McBain fails to teach of providing predetermined safety flight path information (stored prior to takeoff) for an air vehicle and initiating the system when a change in the predefined flight path exceeds a predefined threshold (Independent Claims 1, 7, 16 and 25). McBain merely works off vital information of the pilot (i.e. pulse, heart beat, stress level, etc.). McBain also fails to teach of the system override being achieved by an individual on the air vehicle. Rather, McBain overrides by the ground control.

McBain also fails to teach of a biometric reader for inputting a proper override response or that the override response is based on biometric information of an individual located on the aircraft (i.e. pilot, co-pilot, stewardess, steward, etc.) (Independent claims 7 and 16). McBain merely involves biometrics at the beginning of the process to sense a change in mental/physical condition of the pilot. Biometrics are not used as an input or to override the system.

McBain also fails to teach of a predetermined safety flight path or air space for use as a safe flight path for air vehicles traveling in the air. The claims state that the predetermined safety flight path is: (1) different from the original flight path for the air vehicle; (2) determined and stored within the air

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vehicle's onboard system prior to takeoff of the air vehicle; and (3) is determined independent of a current location of the air vehicle at the time the air vehicle is to be diverted from its original flight path.

Independent claims 1, 7, 16 and 25 also state that the air vehicle is directed to the predetermined safety flight path without any assistance or signal from a location (i.e. control tower, antennas on a building, etc.) remote to the air vehicle. Accordingly, the onboard system of the air vehicle, on its own determination, is responsible for the directing the air vehicle to the predetermined safety flight path.

McBain directs a specific air vehicle to a safe air location based on the air vehicle's current location in the air. Additionally, McBain requires a signal from a remote location (i.e. control tower, antennas on a building, etc.) in order to direct the air vehicle to the McBain's safe air location.

Waterman, fails to correct these deficiencies in McBain. Waterman also receives a signal from a remote location to direct the air vehicle to a safe air location. Additionally, Waterman also does not store a predetermined safe air location or safety flight path prior to take off of the air vehicle.

Thus, even if McBain and Waterman could be combined or modified as the suggested by the Examiner, such modification still fails to teach or disclose Applicant's claimed invention.

The other secondary references also fail to overcome the above-noted deficiencies of McBain and Waterman.

Accordingly, in view of the above, Applicant respectfully requests that claims are in condition for allowance.

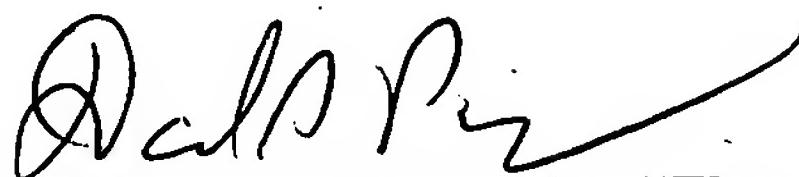
Applicant has completely responded to the Office Action dated July 20, 2005. Favorable action is respectfully requested.

Any additional charges, including Extensions of Time, please

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bill our Deposit Account No. 503180.

Respectfully submitted,



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